S.B.Cr. Misc. Petition No. 665/2006.
Ramjilal
Vs.
M/s Arvind Kumar Vinod Kumar

Date of Order :: 11.08.2006

HON'BLE MR. H.R. PANWAR, J.

Mr Sanjeev Johari, for the petitioner.
Mr MK Garg with Niranjan Singh, for non petitioner.

By the instant revision under Section 482 Cr.P.C., the petitioner has challenged the order dated 17.4.2006 passed by Sessions Judge, Sriganganagar (for short "the revisional Court" hereinafter) whereby the revision petition filed by the petitioner against the order dated 1.9.2005 passed by Judicial Magistrate No.1, Sriganganagar (for short "the trial Court" hereinafter) in Cr. Case No. 185/2004, was dismissed.

I have heard learned counsel for the parties and carefully gone through the orders passed by the revisional Court as well as the trial Court.

The petitioner earlier filed an application under Sec.91 CrPC seeking direction to produce certain documents. By order dated 23.11.2004, the trial Court allowed the application filed under Sec.91 CrPC and directed complainant -non petitioner to produce the document sought by the petitioner in the matter. As complainant has not so far been examined, the petitioner

again moved an application under Sec.91 CrPC seeking a direction to the complainant to produce original bank slip dated 12.1.2002 relating to the Bank Account of the non petitioner being Account No. 29332 in State Bank of Bikaner and Jaipur Branch, Sriganganagar as also the original Bank slip with regard to the deposit of amount of Rs. 1,19,000/- by Ranjeet Singh in the Bank Account of the petitioner and original bank slip by which the complainant deposited a sum of Rs. 1,19,000/- dated 20.5.2002. In reply to the application, the non petitioner specially denied being in possession of such bank slips.

In the instant case, the complainant has not yet been examined. The trial Court noticing that the counsel appearing for the petitioner before the trial Court failed to show the relevancy of the document sought to be produced and therefore, dismissed the application. The revisional Court on examination of the record of the court below did not find any error, irregularity or perversity in the order of the trial Court.

It cannot be said that order impugned would result in serious miscarriage of justice. More particularly, the petitioner has failed to show as to how the document sought to be produced are relevant to the point in issue. The point in issue is the Cheque No. 433487 issued by the petitioner in favour of non petitioner which on

presentation to the Bank was dishonored for want of sufficient fund and the petitioner failed to pay cheque amount within 15 days from the receipt of statutory notice demanding the cheque amount. In the circumstances, therefore, no case for interference in inherent jurisdiction is made out.

The petition is, therefore, dismissed. However, when the complainant appears in the witness box and makes statement to this fact, at that time, it will be open for the petitioner to seek an appropriate direction from the learned trial Court.

(H.R.PANWAR),J.

/gandhi